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General Assembly

Sixty-third session

Official Records

104th plenary meeting
Wednesday, 9 September 2009, 10 a.m.
New York

President: Mr. D'Escoto Brockmann (Nicaragua)

In the absence of the President, Mr. Yáñez-Barnuevo (Spain), Vice-President, took the Chair.

The meeting was called to order at 10.20 a.m.

Agenda item 122 (*continued*)

Scale of assessments for the apportionment of the expenses of the United Nations (A/63/725/Add.6)

The Acting President (*spoke in Spanish*): I would like, in keeping with established practice, to invite the attention of the General Assembly to document A/63/725/Add.6, in which the Secretary-General informs the President of the General Assembly that, since the issuance of his communication contained in documents A/63/725 and addenda 1 to 5, Chad has made the payments necessary to reduce its arrears below the amount specified in Article 19 of the Charter.

May I take it that the General Assembly duly takes note of the information contained in this document?

It was so decided.

Agenda item 7 (*continued*)

Organization of work, adoption of the agenda and allocation of items

Fifth report of the General Committee (A/63/250/Add.4)

The Acting President (*spoke in Spanish*): In the first paragraph of the report, the General Committee decided to recommend to the General Assembly that the item entitled "Question of the Comorian island of Mayotte" be deferred to the sixty-fourth session of the General Assembly and that it be included in the draft agenda of that session.

May I take it that the Assembly approves that recommendation?

It was so decided.

The Acting President (*spoke in Spanish*): The General Assembly has thus concluded its consideration of the fifth report of the General Committee.

Agenda item 41 (*continued*)

Implementation of the Declaration of Commitment on HIV/AIDS and the Political Declaration on HIV/AIDS

Draft decision (A/63/L.73)

The Acting President (*spoke in Spanish*): Members will recall that the Assembly held a debate on this item at its 88th to 90th plenary meetings, on 16 and 17 June 2009.

Members will recall the letter dated 4 September 2009 from the President of the General Assembly to all Permanent Representatives, to which he attached, for their perusal, several proposed changes to the text of draft decision A/63/L.73. In the same letter, he indicated his intention to orally present to the General Assembly those revisions, as follows.

This record contains the text of speeches delivered in English and of the interpretation of speeches delivered in the other languages. Corrections should be submitted to the original languages only. They should be incorporated in a copy of the record and sent under the signature of a member of the delegation concerned to the Chief of the Verbatim Reporting Service, room U-506. Corrections will be issued after the end of the session in a consolidated corrigendum.

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In the first preambular paragraph, before the word "decides", insert the following text: "and recalling its decision 55/488". The new paragraph would therefore read: "The General Assembly, guided by the Declaration of Commitment on HIV/AIDS and the Political Declaration on HIV/AIDS and recalling its decision 55/488, decides...."

In subparagraph (a) of the draft decision, which reads, "Take note of the following documents:", the President proposes that we delete the word "documents". The new subparagraph would therefore read, "Take note of the following:". In subparagraph (a) (ii), he proposes to insert the words "The submission of" at the beginning of the subparagraph. The new subparagraph (a) (ii) would therefore read, "The submission of the report of the Joint Inspection Unit", with the rest of the text remaining unchanged.

We shall now proceed to consider draft decision A/63/L.73, as orally revised.

May I take it that the Assembly wishes to adopt draft decision A/63/L.73, as orally revised?

Draft decision A/63/L.73, as orally revised, was adopted.

The Acting President (*spoke in Spanish*): I now call on the representative of the Syrian Arab Republic, who wishes to speak on a point of order.

Ms. Halabi (Syrian Arab Republic) (*spoke in Arabic*): Sir, my country's delegation would like to introduce some oral amendments to the amendments you just proposed on this decision.

The Acting President (*spoke in Spanish*): The decision has already been taken and so it is not possible to submit amendments at this stage of the procedure. What the delegation of Syria is able to do is express its opinion for the record, if it so desires.

I give the floor to the representative of the Syrian Arab Republic.

Ms. Halabi (Syrian Arab Republic) (*spoke in Arabic*): Let me say that my delegation did inform the Secretariat with respect to our position on this matter. We said that we had an oral amendment to propose and that we wanted to present it prior to the adoption of the decision. For that reason, my delegation cannot agree to the adoption of this decision. We reported our proposal to the Secretariat before the adoption of the decision.

I also pointed out that my country wanted to introduce this amendment before the adoption of t decision, but I was not seen. That is why I would li to retain my right to present this amendment to t decision, so that it can then be examined.

The Acting President (*spoke in Spanish*): As said before, the decision has already been adopted. put the decision up for consideration of the Assemb Nobody asked for the floor at that point in time, and asked whether I could take it that the decision was th adopted by consensus, and that was the case. So t moment has passed and therefore this interventi from the Syrian delegation can be considered to be explanation of vote for the record of the meeting. A we can do now is to conclude our examination of th item and move on to the next one.

May I take it that the General Assembly wishes conclude its consideration of agenda item 41?

It was so decided.

Agenda item 113 (*continued*)

Multilingualism

Report of the Secretary-General (A/63/338)

Note by the Secretary-General (A/63/349)

Draft resolution (A/63/L.70/Rev.1)

The Acting President (*spoke in Spanish*): I giv the floor to the representative of Senegal to introdu draft resolution A/63/L.70/Rev.1.

Mr. Badji (Senegal) (*spoke in French*): It today a tremendous honour for me and a great pleasu to present to the General Assembly of the Unit Nations at its sixty-third session this draft resoluti under agenda item 113 on multilingualism. This dra resolution, which my country, Senegal, has coordinate this year, is the outcome of intense meetings negotiations during which the constructive spirit tru prevailed.

The 2008 report of the Secretary-General multilingualism (A/63/338) gives us the state of pla with respect to multilingualism in our Organization an has served as the basis, owing to its global and cros cutting nature, for draft resolution A/63/L.70/Rev. which members have before them.

In this report, the text recalls our individual an collective commitment to make our diversity a majo

asset by promoting our exchanges, which are aimed at improving the world in which we live. We are therefore pleased that we have been able to design and put together a document that highlights the need to have a United Nations where the six official languages are used in order to have a system of communication that is more flexible and more representative of our mutually enriching specificities. This approach, which is based on the synergies of our common interests through outstanding cooperation and effective partnership, contributes to promoting multilingualism within the United Nations, which is one of the stalwart beacons of our universal institution.

As such, this draft resolution underscores the need to strictly comply with the rules on multilingualism in the Organization. At the same time, this text calls for the distribution in due time of the official documents of the United Nations in the six official languages, which means that the equitable treatment of the official languages of the United Nations is necessary for each Member State to be able to express, promote and defend its positions in its language of choice.

To support this great undertaking, the draft welcomes the cooperation agreements that have been reached by the Department of Public Information with university institutions worldwide aimed at increasing the number of web pages that are available in certain official languages, and requests the Secretary-General, in coordination with the offices that provide the content, to extend such cooperation agreements in all official languages of the United Nations.

Furthermore, this document calls on the Secretariat to encourage its staff to take ownership of multilingualism and to ensure that recruitment reflects the multilingual diversity of the United Nations. In this regard, the General Assembly requests the Secretary-General to maintain and step up his efforts aimed particularly at strengthening cooperation with the institutions that train linguistic specialists so as to meet the needs of the six official languages of the United Nations.

The draft resolution also highlights the obligation to improve multilingualism, both internally and externally. It is clear, on the one hand, that vibrant multilingualism is the guarantor of more effective communication among the different departments and services of the Secretariat.

In that same spirit, the General Assembly takes note of the appointment of Mr. Kiyotaka Akasaka, Under-Secretary-General for Communications and Public Information, as the new coordinator for multilingualism. I welcome his readiness and commitment to multilingualism and call on the Secretary-General to continue to develop the informal network of focal points responsible for supporting multilingualism.

However, the United Nations cannot be detached from local populations. That means the importance of communication with them in their respective languages. In that connection, United Nations Information Centres are vital communication points; hence, once again, the urgent need for there to be a truly multilingual staff available at the Secretariat.

To conclude, allow me to express my great appreciation to the many delegations that actively participated in the consultations on this draft resolution, which, I hope, will shortly be adopted by consensus, in keeping with the long-standing tradition.

I would also like to give special mention to all the Member States that have agreed resolutely to co-sponsor the draft resolution — a sign of their full support for the multilingual work of the United Nations. I would be remiss not to underscore the valuable input of the skilful services of the Secretariat, which, throughout this process, have provided us with clarifications and assistance on the various points about which they have been asked.

To end, I would like to put forward some technical corrections to draft resolution A/63/L.70/Rev.1.

(*spoke in English*)

In paragraph 21, the words "of the Department of Management" should be deleted because, as delegates may know, the Office of Information and Communications Technology is not part of the Department of Management. In paragraph 27, the footnote symbol in the second line should be "2", referring to A/63/338. In paragraph 14 (a), the word "that" at the beginning of the fourth line should be deleted. In paragraph 15, there should be a comma after the word "particular" in the third line. In paragraph 20, there should be a comma after the word "regard" in the third line. In paragraph 25, there should be a comma after the word "mandated" in the third line.

The Acting President (*spoke in Spanish*): I thank the representative of Senegal for introducing the text of draft resolution A/63/L.70/Rev.1. I hope that the delegation of Senegal and the sponsors will help the Secretariat with the small drafting changes that have been orally presented.

I give the floor to the representative of Tunisia.

Mr. Jomaa (Tunisia) (*spoke in Arabic*): As we consider agenda item 113, on multilingualism, I am very glad to take the floor to thank the Secretary-General for his informative report on the position of multilingualism within the Secretariat (A/63/338) and his recommendations and conclusions to ensure that multilingualism remains at the heart of the United Nations.

I would also like to thank the Director-General of UNESCO for his report on the activities undertaken during the 2008 International Year of Languages, since that organization has been a bellwether in that field. I would also like to commend the efforts of that organization in the area of the conservation, protection and support of all languages.

I would also like to take this opportunity to thank the delegation of Senegal, the coordinator of the draft resolution (A/63/L.70/Rev.1) before us today, for its efforts during the consultations that enabled us to reach a balanced draft resolution. We are very pleased to see that, and we hope that the draft resolution will be implemented by all parties concerned.

(*spoke in French*)

Tunisia, a country that is proud of its Arabic language, has made access to foreign languages one of the axes of its education policy, a choice that arises from our strong belief that openness to others can only nurture in our society the attributes of tolerance, moderation and dialogue — values that are part of its identity and its history.

My country, which gives special importance to this biannual item on the agenda, believes that multilingualism in the United Nations, which is seen in the use of its official languages on an equal footing, is the basis of the universality of our Organization and one of the major ways to achieve the objectives of its Charter and the noble values that it enshrines.

To defend the parity of the languages of the United Nations is above all to fight for the respect of cultural diversity and the spreading of universal values. It is also a way — by no means the least effective — to protect against the uniformity and standardization of language in this era of globalization and to ensure that the identities and specific cultural attributes of each of us are respected. In that context, we are pleased to see, in the draft resolution before us, a reaffirmation of the necessity to fully implement resolutions relating to the language arrangements for the official United Nations languages and the working languages of the Secretariat.

(*spoke in English*)

While appreciating the various efforts and initiatives being undertaken to achieve further progress in the promotion of multilingualism at the United Nations, particularly in the areas of conference management, Internet communication and public information, we still believe that greater endeavours are required to ensure that the principle of equal treatment for the six official languages, as mandated by the General Assembly, is fully respected.

We continue to witness a disturbing trend of long delays in the simultaneous issuance of United Nations documents in all official languages, as well as the worrisome practice of issuing advance copies of documents in English alone. The web content of some departments of our Organization is still accessible in just one language, and disparities between the use of English and that of the five other official languages continue to prevail in many activities of public information.

The draft resolution we are about to adopt today contains many relevant recommendations aimed at addressing these drawbacks. We strongly support these recommendations and encourage the Secretary-General to continue his efforts to ensure that all language services be given equal treatment and provided with equally favourable working conditions and resources. We would like to highlight particular areas where action is needed most. Providing appropriate staffing capacity for all the official languages and adequate financial resources and technological infrastructure to the Department of Public Information is of paramount importance to achieving parity among the official languages in the various activities of that department.

(*spoke in Spanish*)

The promotion of the image of the United Nations in the eyes of international public opinion includes increasing awareness of its work, programmes and goals. In this respect, I wish to pay tribute to the efforts undertaken by the information centres of the United Nations and all of the work being carried out to disseminate information to citizens using vernacular languages.

Finally, I would like to reaffirm that the principle of multilingualism is very important to the United Nations because it is an essential pillar of interaction among peoples and an instrument that guarantees the greater participation of all in our work. Multilingualism is the equivalent of multilateralism in the areas of languages, cultures and civilizations.

The Acting President (*spoke in Spanish*): We shall now proceed to consider draft resolution A/63/L.70/Rev.1, as orally corrected.

The Assembly will now take a decision on draft resolution A/63/L.70/Rev.1, as orally corrected, of which the following countries have joined as sponsors: Argentina, Armenia, Australia, Belarus, Canada, Kazakhstan, Latvia, Liechtenstein, Madagascar, Panama, Peru, Portugal, Rwanda, Slovenia, South Africa, the former Yugoslav Republic of Macedonia, Uganda and Ukraine.

May I take it that the Assembly decides to adopt draft resolution A/63/L.70/Rev.1, as orally corrected?

Draft resolution A/63/L.70/Rev.1, as orally corrected, was adopted (resolution 63/306).

The Acting President (*spoke in Spanish*): I now give the floor to the representative of France to make a statement after the adoption.

Mr. Sutter (France) (*spoke in French*): It is my honour to speak today on behalf of the French-speaking group. At the outset, I wish to express our utmost gratitude and sincere appreciation to the delegation of Senegal, and in particular to the Ambassador of Senegal, who coordinated the negotiations on resolution 63/306 on multilingualism, which we have just adopted by consensus.

In our view, the resolution meets two needs. It ensures a comprehensive approach to multilingualism and promotes an ambitious and reasonable vision. First, the text guarantees a comprehensive approach to multilingualism, as the General Assembly underlines the need for full implementation of the resolutions establishing language arrangements for the official languages of the United Nations and the working languages of the Secretariat. The cross-cutting nature of the resolution is also evident in the variety of subjects the Assembly has been able to address as a whole, including conference services, the activities of the Department of Public Information, human resources management, peacekeeping operations and special political missions.

We are all aware that the United Nations work needs to be better understood. The quality and accuracy of dialogues with local populations are prerequisites to ensuring the effectiveness of the United Nations wherever it operates. Given the robust presence of the United Nations in the French-speaking countries in particular, including in the context of its peacekeeping activities, we rely on the Secretary-General and all relevant departments to fully implement this resolution and to take better account of language needs. The implementation of United Nations mandates could thereby be improved considerably. In linguistic terms, it is not local populations that must adapt to the United Nations, but the United Nations that must adapt to local populations.

The text just adopted by the Assembly also defends a balanced, ambitious vision for multilingualism. It is balanced because the resolution places no added burden on the budget, and ambitious because the General Assembly has strengthened its language with respect to a number of important and above all specific items. I refer to the call to strengthen cooperation between the United Nations and institutions of higher learning to increase the number of Internet pages available, as is now the case with regard to a number of the official languages of the United Nations. I also refer to the strengthening of cooperation between the United Nations and institutions that train language specialists in order to better prepare for the future and to ensure the best possible conditions for the new generation of linguists, to whom I pay special tribute today.

In all of these areas, the French-speaking group is counting on the commitment of the Secretary-General and his staff. We hope to see specific gains in the near term, and we will be vigilant in that respect. Our hope is also that, as the General Assembly has requested, the Secretary-General will be assisted by an enhanced

informal network of focal points whose job is to support the multilingualism coordinator, Under-Secretary-General Akasaka. We reiterate our full confidence in him and wish him every success.

The adoption of resolution 63/306 on multilingualism is naturally not an end in itself. It is nevertheless an important milestone for United Nations activities, because multilingualism is for us the linguistic, cultural and indeed civilizational equivalent of multilateralism.

The French-speaking group also commends the fact that meetings were organized before and during the negotiations with representatives of other language groups, signalling their interest in and commitment to the principles of multilingualism. We welcome these extremely fruitful informal exchanges, and such exercises should be continued.

This is why the French-speaking group, with the valuable support of the International Organization of la Francophonie and its Permanent Observer to the United Nations, who is here with us today, hopes that all Member States, and in particular representatives of all the language groups, will confirm their commitment in this regard by pursuing the cooperation and coordination that are necessary and indeed indispensable to the implementation of the resolution.

The right to use one's language, the ability to communicate and thus to understand and be understood, and the preservation of a heritage that is often centuries or millennia old should clearly be at the very heart of the United Nations mission. It is therefore essential that we mobilize more than ever to give life to the principle of multilingualism inside and outside the United Nations. That is the very aim of the resolution, and we look forward to genuine progress in the service of all.

The Acting President (*spoke in Spanish*): We have heard the last speaker in the debate on this item.

May I take it that the General Assembly wishes to conclude its consideration of agenda item 113?

It was so decided.

Agenda item 159

International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Letters from the Secretary-General (A/63/940, A/63/941, A/63/942 and A/63/947)

Letter from the President of the Security Council (A/63/956)

The Acting President (*spoke in Spanish*): In connection with agenda item 159, the Assembly has before it documents A/63/940, A/63/941 and A/63/942, in which the Secretary-General transmits letters dated respectively 1 July, 15 June and 29 May 2009 from Judge Dennis Byron, President of the International Criminal Tribunal for Rwanda.

In document A/63/940, the Secretary-General informs the Assembly that the President of the Tribunal states that the Russian Federation intends to replace Judge Sergei Aleckseevich Egorov when he resigns from the Tribunal. The Secretary-General also conveys the request of the President that, though replaced, Judge Egorov should be permitted to continue to serve at the International Tribunal until the completion of the cases to which he was assigned. Since the Tribunal would therefore have two permanent judges from the Russian Federation serving at the same time, the Secretary-General conveys the request of the President that the General Assembly allow derogation from the statutory prohibition against two judges of the same nationality serving at the Tribunal at the same time.

In document A/63/941, the Secretary-General informs the Assembly that the President of the International Criminal Tribunal for Rwanda requests that the General Assembly

> "(a) Allow one judge to engage in another professional occupation in his home country and to work part-time at the International Tribunal while drafting his final judgement;
>
> "(b) Permit the Tribunal to recruit an additional ad litem judge from among the former permanent judges of the International Tribunal

for the Former Yugoslavia or the ad litem judges of the International Tribunal for the Former Yugoslavia who have not been assigned to any case".

In document A/63/942, the Secretary-General informs the Assembly of the request of the President of the International Criminal Tribunal for Rwanda that the General Assembly

"(a) Expand the membership of the Appeals Chamber by authorizing the President to redeploy four permanent judges from the Trial Chambers to the Appeals Chamber;

"(b) Extend the term of office of judges of the International Criminal Tribunal for Rwanda".

In addition, the President asks the General Assembly

"to allow one judge to engage in another professional occupation in his home country and to work part-time while drafting his final judgement, and reconsider the entitlements of ad litem judges".

In document A/63/956, the President of the Security Council transmits to the President of the General Assembly the text of Council resolution 1878 (2009) of 7 July 2009, whereby the Council, inter alia:

"1. Decides to review the extension of the term of office of the permanent judges at the International Tribunal, who are members of the Appeals Chamber, by 31 December 2009, in light of the progress of the International Tribunal in the implementation of the Completion Strategy;

"2. Decides to extend the term of office of the following permanent judges at the International Tribunal, who are members of the Trial Chambers, until 31 December 2010, or until the completion of the cases to which they are assigned if sooner:

- Charles Michael Dennis Byron (Saint Kitts and Nevis)
- Joseph Asoka Nihal de Silva (Sri Lanka)
- Khalida Rachid Khan (Pakistan)
- Arlette Ramaroson (Madagascar)
- William H. Sekule (United Republic of Tanzania)

"3. Decides that the term of office of the permanent judge appointed to replace Sergei Aleckseevich Egorov (Russian Federation) shall extend until 31 December 2010, or until the completion of the cases to which he or she will be assigned if sooner;

"4. Decides to extend the term of office of the following ad litem judges, currently serving at the International Tribunal, until 31 December 2010, or until the completion of the cases to which they are assigned if sooner:

- Aydin Sefa Akay (Turkey)
- Florence Rita Arrey (Cameroon)
- Solomy Balungi Bossa (Uganda)
- Taghrid Hikmet (Jordan)
- Vagn Joensen (Denmark)
- Gberdao Gustave Kam (Burkina Faso)
- Joseph Edward Chiondo Masanche (United Republic of Tanzania)
- Lee Gacugia Muthoga (Kenya)
- Seon Ki Park (Republic of Korea)
- Mparany Mamy Richard Rajohnson (Madagascar)
- Emile Francis Short (Ghana)

"5. Decides to allow ad litem judge Joensen to serve in the International Tribunal beyond the cumulative period of service provided for under article 12 ter, paragraph 2, of the Statute of the International Tribunal;

"6. Decides, in light of the exceptional circumstances, that notwithstanding article 12 bis, paragraph 3, of the Statute of the International Tribunal, Judge Joseph Asoka Nihal de Silva and Judge Emile Francis Short may work part-time and engage in another judicial occupation or occupation of equivalent independent status in their home countries during the remainder of their terms of office until the completion of the cases to which they are assigned; takes note of the intention of the International Tribunal to complete the cases by mid-2010; and underscores that this exceptional authorization shall not be considered as

establishing a precedent. The President of the International Tribunal shall have the responsibility to ensure that this arrangement is compatible with the independence and impartiality of the judges, does not give rise to conflicts of interest and does not delay the delivery of the judgment;

"7. Decides that notwithstanding article 11, paragraph 1, of the Statute of the International Tribunal, and on an exceptional basis, Judge Egorov, once replaced as a member of the International Tribunal, complete the cases which he began before his resignation; and takes note of the intention of the International Tribunal to complete the cases by the end of 2009;

"8. Decides to amend article 13, paragraph 3 of the Statute of the International Tribunal as set out in the annex to this resolution".

If there is no objection, I propose that the Assembly decide to endorse the recommendation of the Secretary-General that was endorsed by the Security Council in its resolution 1878 (2009) of 7 July 2009.

It was so decided.

The Acting President (*spoke in Spanish*): I now invite the attention of the Assembly to document A/63/947, in which the Secretary-General informs the General Assembly of the appointment of Professor Bakhtiyar Tuzmukhamedov as a permanent judge of the International Criminal Tribunal for Rwanda, effective 18 August 2009 until 31 December 2010, or until the completion of the cases to which he will be assigned, if sooner.

May I take it that the General Assembly takes note of the appointment of Professor Bakhtiyar Tuzmukhamedov as a permanent judge of the International Criminal Tribunal for Rwanda, effective 18 August 2009 until 31 December 2010, or until the completion of the cases to which he will be assigned, if sooner?

It was so decided.

The Acting President (*spoke in Spanish*): In light of the fact that the General Assembly is expected to act on further requests from the International Criminal Tribunal for Rwanda at the sixty-fourth session, may I propose that the General Assembly include in the draft agenda for the sixty-fourth session an item entitled "International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994"?

It was so decided.

The Acting President (*spoke in Spanish*): May I also propose that the Assembly consider this item directly in plenary meeting?

It was so decided.

The Acting President (*spoke in Spanish*): May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 159?

It was so decided.

Agenda item 160

International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Letters from the Secretary-General (A/63/942 and A/63/946)

Letter from the President of the Security Council (A/63/957)

The Acting President (*spoke in Spanish*): In document A/63/942, the Secretary-General transmits a letter dated 27 May 2009 from Judge Patrick Robinson, President of the International Tribunal for the Former Yugoslavia, and refers to a request by the President for the General Assembly to

"(a) Expand the membership of the Appeals Chamber by authorizing the President to redeploy four permanent judges from the Trial Chambers to the Appeals Chamber;

"(b) Extend the term of office of judges of the International Tribunal for the Former Yugoslavia;

"(c) Authorize the International Tribunal for the Former Yugoslavia to exceed temporarily

the statutory maximum number of ad litem judges serving at the Tribunal".

In document A/63/957, the President of the Security Council transmits to the President of the General Assembly the text of Council resolution 1877 (2009), adopted on 7 July 2009, whereby the Council, inter alia,

"1. Decides to review the extension of the term of office of the permanent judges at the International Tribunal, who are members of the Appeals Chamber, by 31 December 2009, in light of the progress of the International Tribunal in the implementation of the Completion Strategy;

"2. Decides to extend the term of office of the following permanent judges at the International Tribunal until 31 December 2010, or until the completion of the cases to which they are assigned if sooner:

- Carmel Agius (Malta)
- Jean-Claude Antonetti (France)
- Christoph Flügge (Germany)
- O-Gon Kwon (South Korea)
- Bakone Justice Moloto (South Africa)
- Alphons Orie (Netherlands)
- Kevin Parker (Australia)
- Patrick Robinson (Jamaica);

"3. Decides that the term of office of the permanent judges appointed to replace Iain Bonomy (United Kingdom), Mohamed Shahabuddeen (Guyana) and Christine Van den Wyngaert (Belgium) shall extend until 31 December 2010, or until the completion of the cases to which they will be assigned if sooner;

"4. Decides to extend the term of office of the following ad litem judges, currently serving at the International Tribunal, until 31 December 2010, or until the completion of the cases to which they are assigned if sooner:

- Melville Baird (Trinidad and Tobago)
- Pedro David (Argentina)
- Elizabeth Gwaunza (Zimbabwe)
- Frederik Harhoff (Denmark)
- Uldis Kinis (Latvia)
- Flavia Lattanzi (Italy)
- Antoine Kesia-Mbe Mindua (Democratic Republic of the Congo)
- Michèle Picard (France)
- Árpád Prandler (Hungary)
- Stefan Trechsel (Switzerland);

"5. Decides to extend the term of office of the following ad litem judges, who are not currently appointed to serve at the International Tribunal, until 31 December 2010, or until the completion of any cases to which they may be assigned if sooner:

- Frans Bauduin (Netherlands)
- Burton Hall (Bahamas)
- Raimo Lahti (Finland)
- Jawdat Naboty (Syrian Arab Republic)
- Chioma Egondu Nwosu-Iheme (Nigeria)
- Prisca Matimba Nyambe (Zambia)
- Brynmor Pollard (Guyana)
- Vonimbolana Rasoazanany (Madagascar)
- Tan Sri Dato Lamin Haji Mohd Yunus (Malaysia);

"6. Decides to allow ad litem judges Harhoff, Lattanzi, Mindua, Prandler and Trechsel to serve in the International Tribunal beyond the cumulative period of service provided for under article 13 ter, paragraph 2, of the Statute of the International Tribunal;

"7. Decides that upon the request of the President of the International Tribunal, the Secretary-General may appoint additional ad litem judges in order to complete existing trials or conduct additional trials, notwithstanding that the total number of ad litem judges serving at the International Tribunal will from time to time temporarily exceed the maximum of twelve provided for in article 12, paragraph 1, of the Statute of the International Tribunal, to a maximum of thirteen at any one time, returning to a maximum of twelve by 31 December 2009;

"8. Decides to amend article 14, paragraph 3, and article 14, paragraph 4, of the Statute of the International Tribunal and to replace those paragraphs with the provisions set out in the annex to this resolution".

If there is no objection, I shall take it that the Assembly decides to endorse the recommendation of the Secretary-General that was endorsed by the Security Council in its resolution 1877 (2009), of 7 July 2009.

It was so decided.

The Acting President (*spoke in Spanish*): I should now like to draw the attention of the General Assembly to document A/63/946, in which the Secretary-General informs the Assembly of the appointment of Mr. Guy Delvoie, Mr. Howard Morrison and Sir Burton Hall as permanent judges of the International Tribunal for the Former Yugoslavia effective 1 September 2009, 31 August 2009 and 7 August 2009, respectively, until 31 December 2010, or until the completion of the cases to which they will be assigned if sooner.

May I take it that the General Assembly takes note of the appointment of Judge Guy Delvoie, Judge Howard Morrison and Judge Burton Hall to the International Tribunal for the Former Yugoslavia for terms of office effective 1 September 2009, 31 August 2009 and 7 August 2009, respectively, until 31 December 2010, or until the completion of the cases to which they will be assigned if sooner?

It was so decided.

The Acting President (*spoke in Spanish*): In the light of the fact that the General Assembly is expected to act on further requests from the International Tribunal for the Former Yugoslavia during the sixty-fourth session, I propose that the General Assembly include in the draft agenda for the sixty-fourth session an item entitled "International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991". If there is no objection, I shall take it that the Assembly agrees to that proposal.

It was so decided.

The Acting President (*spoke in Spanish*): I also propose that the General Assembly consider that item directly in plenary meeting. Unless I hear any objection, I shall take it that the Assembly agrees to that proposal.

It was so decided.

The Acting President (*spoke in Spanish*): May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 160?

It was so decided.

The Acting President (*spoke in Spanish*): For reasons that I will shortly explain, I will speak in English while considering the next agenda item. I shall do so on an exceptional basis, in particular given the resolution on multilingualism that we have just adopted by consensus.

Agenda item 13

Protracted conflicts in the GUAM area and their implications for international peace, security and development

Draft resolution (A/63/L.79)

Report of the Secretary-General (A/63/950)

Amendments (A/63/L.81 to A/63/L.98)

The Acting President: I should like to inform the General Assembly that the amendments under consideration have been issued in English only.

I give the floor to the representative of Georgia to introduce draft resolution A/63/L.79.

Mr. Lomaia (Georgia): On behalf of Georgia, I would like today to introduce draft resolution A/63/L.79, concerning the status of internally displaced persons (IDPs) and refugees from Abkhazia, Georgia, and the Tskhinvali region of South Ossetia, Georgia. The draft resolution reaffirms the inalienable right of all IDPs and refugees to return to their homes in both Georgian provinces.

To begin, I would like to take note of the latest report (A/63/950) of the Secretary-General on the status of IDPs and refugees from Abkhazia, Georgia, and to commend his engagement in addressing this important issue. We hope that next year the Secretary-General will place greater emphasis on the reasons that those who have been displaced are unable to return to their homes. We also hope that he will elaborate concrete recommendations on how the international

community can help to ensure the safe, unhindered and dignified return of IDPs to their places of residence.

I believe that the Assembly will agree on why we need to adopt this draft resolution. For more than 15 years, several hundred thousand men, women and children from these regions have been unable to return to the communities where they were born and where their ancestors are buried. These are people from the most diverse backgrounds, representing scores of ethnicities — Georgians, Greeks, Russians, Armenians, Ukrainians, Estonians and Germans. They are Christians, Muslims and Jews. They are victims of acts of ethnic cleansing that have been repeatedly condemned by almost every relevant international body, including this body.

Those individuals were forced to flee from their communities and, ever since, have been denied the essential right to live in safety and dignity in their rightful homes. Only a very brave few have remained in, or returned to, their original homes. Those courageous souls suffer the constant fear of insecurity and poverty, living under permanent threat of expulsion as well as of forced conscription, passportization, the threat of losing their ethnic identity and the denial of their right to education in their native language.

Dramatic events have taken place since the adoption of resolution 62/249 on the status of IDPs and refugees from Abkhazia, Georgia, in May 2008. In August of last year, a new armed conflict forced from their homes a new wave of 160,000 IDPs and refugees. The conflict also took the lives of hundreds of peaceful civilians. Thus, a new chapter was written in the tragedy of the displacement of my compatriots. Up to 38,000 IDPs from last year's armed conflict are unable to return to their homes. In his report to the Human Rights Council in February 2009, Mr. Walter Kälin, Representative of the Secretary-General on the human rights of internally displaced persons, stated that "an estimated 37,600 will not be able to return in the foreseeable future" (*A/HRC/10/13/Add.2, para. 58*).

A similar story has unfolded in the Kodori Gorge, which is also known as Upper Abkhazia, whose population has been entirely expelled. Today, that region serves as a base for an illegal foreign military presence, thus precluding any possibility for the local population to return to their homes. We strongly believe that last year's armed conflict and the new wave of displacement and misery it created are ample cause for the General Assembly to consider anew the question of Georgia's IDPs and refugees.

The draft resolution sets three important goals. One represents a moral and legal commitment to the rights of the displaced. The second proposes a reporting mechanism to the General Assembly. The third goal is to expand the geographic scope of the General Assembly's involvement in order to include IDPs from the Tskhinvali region of South Ossetia.

The draft resolution that we seek to have adopted speaks to the essence of our humanitarian mission in the General Assembly. It reaffirms the inalienable right of IDPs and refugees to return to their homes in a dignified and safe manner. In doing so, it sends a powerful signal to all IDPs and refugees everywhere in the world that the international community stands by them. Furthermore, in establishing an annual reporting procedure by the Secretary-General, the draft resolution would introduce an effective instrument for monitoring the situation in the conflict-affected areas of Georgia.

The draft resolution before the Assembly falls within the scope of the resolutions on the protection of and assistance to internally displaced persons, as well as the Guiding Principles on Internal Displacement. Moreover, the draft resolution encompasses the objectives set forth by the participants of the second working group of the Geneva discussions, elaborated during the second and third rounds in November and December of last year.

I must stress that the draft resolution will by no means impede the ongoing Geneva talks or their arrangements. To the contrary, it is designed to reinforce the process by addressing the undisputed right of every individual to return to his or her home and to lead a safe, secure and dignified life. Surely, there cannot be any objection to the affirmation of that principle. While this issue has been discussed in Geneva, unfortunately we have been unable to reach any concrete agreement there. In adopting this draft resolution, the General Assembly will give new impetus to those discussions.

Allow me to draw the Assembly's attention to an issue addressed in the new draft resolution that did not appear in last year's resolution. This concerns the question of humanitarian access to the war-affected regions of my country — a problem that emerged only after last year's armed conflict. Unfortunately,

humanitarian aid coming from the rest of Georgia to the Tskhinvali region of South Ossetia has been completely blocked. This blockade has transformed that territory into a black hole where people are deprived of basic human rights and humanitarian aid is simply not allowed. That has dramatic negative consequences that we need to reverse. We therefore have before us a unique opportunity — to quote paragraph 4 of the draft resolution — to once again underline

> "the urgent need for unimpeded access for humanitarian activities to all internally displaced people, refugees and other persons residing in all conflict-affected areas throughout Georgia".

Over the past 15 years, too little progress has been made in helping Georgia's displaced persons to return to their homes.

Moreover, with every passing year, the situation has deteriorated. We have already witnessed three waves of forced displacement since the beginning of the 1990s. Consequently, people who have waited in vain for results have been losing their faith in the United Nations. Today, as we speak, hundreds of thousands are looking hopefully towards this house, waiting for a positive decision from the General Assembly. The Assembly must hear the silent plea. The international community must no longer accept the current situation, wherein the displaced are prevented from returning to their cherished homes. Therefore, I urge representatives to vote in favour of the draft resolution before them.

The President: I give the floor to the representative of the Russian Federation on a point of order.

Mr. Churkin (Russian Federation) (*spoke in Russian*): The draft resolution before the General Assembly in document A/63/L.79 has nothing in common with the lofty humanitarian goals and concerns referred to by its authors. Moreover, this initiative is motivated exclusively by political concerns and based on the expedient calculations of the Georgian side, which is seeking to shirk its responsibilities for a situation that, as it happens, arose as a result of the policies of the Georgian authorities that culminated in the attack on Tskhinvali on the evening of 7-8 August last year.

The draft resolution has been advanced by the authors in a confrontational manner. The delegation of the Russian Federation was the only one that did not receive a copy. Moreover, in a spirit of good will, we set forth proposals for amendments to the text in order to reach a possible consensus, but these were not responded to nor was there any attempt to consult with the Abkhaz or South Ossetian sides.

The Russian side's readiness to work in earnest and constructively is evident in the amendments we circulated on the draft resolution. The adoption of the draft resolution would considerably undermine the ongoing discussions in Geneva, within which issues related to the situation of refugees and internally displaced persons are also being addressed.

The Georgian side is well aware of that, but it prefers to insist on pressing its own initiatives. Its approach is clearly not motivated by a desire to ease the plight of those who are in a situation of forced displacement. The adoption of the draft resolution would only help to distract us from genuine, practical work in the region and would in no way assist in building the trust between the Georgian and Abkhaz and South Ossetian sides that is a necessary condition for a settlement, including with respect to the temporarily displaced persons and refugees. This fact should be understood by one and all, regardless of their assessment of the geopolitical situation in the region.

In view of the foregoing, the delegation of the Russian Federation, pursuant to rule 74 of the rules of procedure of the General Assembly, moves a no-action motion on the draft resolution and requests that it be put to the vote. By closing consideration of an initiative that is in essence politically motivated and confrontational, the General Assembly and States Members of the United Nations would be doing much more for the refugees and internally displaced persons from Abkhazia and South Ossetia than they would by voting on this heinous proposed text.

The Acting President: The representative of the Russian Federation has, invoking rule 74 of the rules of procedure of the General Assembly, moved that no action be taken on draft resolution A/63/L.79. Let me remind delegations that rule 74 reads as follows:

> "During the discussion of any matter, a representative may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, two representatives

may speak in favour of, and two against, the motion, after which the motion shall be immediately put to the vote."

I would therefore invite delegations that so wish to speak either for or against the motion. There will be no more than two delegations speaking in favour and no more than two speaking against.

Mr. De Rivière (France) (*spoke in French*): The motion that has just been presented seeks to prevent the General Assembly from considering a proposal that has been submitted to us for substantive reasons. France is opposed in principle to such motions. The General Assembly should be able to debate any subject, whatever the substantive difficulties, and for that reason my delegation will vote against this motion and calls on other delegations to do likewise, irrespective of how they intend to vote on the substance of the proposed text.

Mr. Hermida Castillo (Nicaragua) (*spoke in Spanish*): The delegation of Nicaragua supports the motion for no action presented by the Permanent Representative of the Russian Federation with regard to the draft resolution contained in document A/63/L.79. We consider that initiatives on such important issues as assistance to refugees and internally displaced persons should be the subject of broad consensus and the product of an open, transparent and participatory process, particularly among the countries concerned.

As we understand it, the discussions being held in Geneva, which include all parties involved, are at a delicate stage. That is why initiatives such as draft resolution A/63/L.79, which contains biased proposals and represents the views of only one of the parties to the conflict, will not lead to positive and necessary results in this matter or help to create an environment of mutual trust between the parties.

The delegation of Nicaragua therefore supports the motion for no action and urges other delegations to support it as well.

Mr. Yaroshevich (Belarus) (*spoke in Russian*): I shall be very brief. Belarus has great respect for the concerns of the delegation of Georgia, whose representative introduced draft resolution A/63/L.79. At the same time, however, we must note that it is based on resolution 62/249, in the voting on which more than 85 per cent of Member States either abstained or did not participate. Of all the resolutions before the General Assembly at the past session, that resolution received the lowest number of votes. That was a unique situation, in our opinion, and did not reflect a lack of interest on the part of Member States to the plight of internally displaced persons and refugees in the Caucasus region. It simply meant that the vast majority of Member States believe that existing problems must be resolved through negotiations rather than through confrontation or substantive resolutions.

The adoption of this kind of draft resolution could undermine the discussions under way in Geneva. Belarus has always emphasized on principle that resolutions and decisions adopted by the United Nations are valuable and relevant only when they provide a solution to complex international situations and contribute to bringing partners together to achieve mutual understanding. Unfortunately, this draft resolution is insufficiently focused on that. We therefore believe that a no-action motion is warranted in this case and call on delegations to support the proposal of the Russian Federation.

Mr. Parham (United Kingdom): The United Kingdom strongly urges delegations to vote against this motion. We do so for reasons of principle. A motion to adjourn an item sine die represents an attempt to prevent the consideration of a resolution on procedural grounds. The calling of such a motion aims at denying the States Members of the United Nations their sovereign right to bring before the General Assembly any concern that they themselves deem to merit its attention, and at limiting the agenda of the Assembly. This runs contrary to the good practice of the General Assembly.

No-action motions contradict one of the ideas on which the creation of the United Nations was based, namely, that issues of concern to Member States shall be addressed and discussed openly. Each proposal presented in the General Assembly deserves consideration on its own merits. So we strongly urge delegations to vote against this no-action motion, regardless of their views and voting intentions on the substance of the draft resolution.

The Acting President: In accordance with rule 74 of the rules of procedure of the Assembly, I shall now put to the vote the motion submitted by the representative of the Russian Federation, namely, that

no action be taken on draft resolution A/63/L.79. A recorded vote has been requested on the motion.

A recorded vote was taken.

In favour:

Algeria, Armenia, Bahrain, Belarus, Bolivia, China, Cuba, Democratic People's Republic of Korea, Eritrea, Ethiopia, India, Iran (Islamic Republic of), Kazakhstan, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Mongolia, Myanmar, Namibia, Nicaragua, Nigeria, Russian Federation, Serbia, Somalia, Sri Lanka, Syrian Arab Republic, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe

Against:

Albania, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Costa Rica, Croatia, Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Montenegro, Netherlands, New Zealand, Norway, Paraguay, Peru, Poland, Portugal, Republic of Korea, Romania, Saint Lucia, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu

Abstaining:

Bahamas, Bangladesh, Barbados, Benin, Bhutan, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Colombia, Cyprus, Djibouti, Dominica, Dominican Republic, Egypt, El Salvador, Fiji, Gabon, Ghana, Guyana, Indonesia, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Malaysia, Mauritius, Morocco, Nepal, Pakistan, Panama, Philippines, Qatar, Republic of Moldova, Rwanda, Samoa, Saudi Arabia, Senegal, Singapore, South Africa, Suriname, Swaziland, Thailand, Togo, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Zambia

The motion was rejected by 64 votes to 29, with 50 abstentions.

The Acting President: In accordance with rule 90 of the rules of procedure, the Assembly will first take decisions on the amendments to the draft resolution, which are contained in documents A/63/L.81 to A/63/L.98.

I give the floor to the representative of the Russian Federation.

Mr. Churkin (Russian Federation) (*spoke in Russian*): The outcome of the vote that has just been held again reaffirms the fact that a specific group of countries continues to employ double standards with regard to this issue and to adopt a politicized approach, to the detriment of practical steps to bring about a settlement to existing humanitarian problems in the region. Those are the same countries whose politicized approach has prevented the Security Council from extending the mandate of the United Nations presence in Abkhazia and Georgia, and that stubbornly prevented the South Ossetian and Abkhaz sides from reporting to the world community the truth of the situation, including as regards the protection of refugees and internally displaced persons.

In the light of the fact that the sponsors and supporters of this initiative persist in their rejection of reasonable dialogue, the Russian Federation will refrain from asking for a vote on the previously submitted amendments to the text. Those that vote for the current counterproductive draft will therefore bear full responsibility for the consequences of its possible adoption.

The Acting President: I understand that the amendments have now been withdrawn. We shall therefore proceed to take action on draft resolution A/63/L.79.

A number of delegations have asked for the floor in explanation of vote or position before the taking of action on the draft resolution. Before giving the floor to speakers in explanation of vote before the voting, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Tsymbaliuk (Ukraine): Ukraine will vote in favour of draft resolution A/63/L.79, entitled "Status of internally displaced persons and refugees from Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia".

We have carefully studied the report of the Secretary-General on the status of internally displaced persons and refugees from Abkhazia, Georgia (A/63/950). Much to our regret, it concludes that the conditions ultimately required to allow for the organized return of displaced persons have not been met. Therefore, Ukraine agrees with the appeal to the international community to take the necessary actions. We believe that the adoption of this draft resolution would be a step forward in that direction.

We would like to draw the attention of all delegations to the fact that the draft resolution before us emphasizes the right, the necessity and the urgency of the safe and dignified return to their homes of all internally displaced persons (IDPs) and refugees, regardless of their ethnic backgrounds. That would make it possible to take practical steps to ensure respect for human rights and create favourable security conditions conducive to the voluntary, safe, dignified and unhindered return of all IDPs and refugees to their places of origin.

Thus, we consider the draft resolution to be humanitarian in nature, pursuing purely humanitarian objectives. Moreover, the Secretary-General clearly states in his report that the return of displaced persons is a strictly humanitarian issue and that it is not acceptable to link returns with questions of political status. Therefore, we can hardly agree that the submission of this draft resolution was politically motivated.

We would also like to refer to the Geneva discussions, the participants in which have considered the matter of refugees and displaced persons on the basis of internationally recognized principles. In that regard, we are confident that all practical steps to settle the issue of IDPs and refugees should be taken in full respect for the sovereignty and territorial integrity of Georgia within its internationally recognized borders. The geographic terms contained in the text of the draft resolution reflect a widely recognized situation.

We hope that the draft resolution before us will be adopted by the General Assembly. Its adoption would be a solid step towards the resolution of a long-standing problem, as well as an important signal of United Nations solidarity with the hundreds of thousands of Georgia's suffering displaced persons.

Mrs. Intelmann (Estonia): Estonia will vote in favour of draft resolution A/63/L.79. Our decision proceeds from a strong and long-standing commitment to fundamental humanitarian principles.

The draft resolution under consideration deals with the plight of internally displaced persons (IDPs) in Georgia following the 1992 conflict. Their condition has been of concern for many, many years. Unfortunately, the situation has significantly deteriorated over the past year. The armed conflict in August 2008 has led to further displacement. We are deeply concerned about the humanitarian and human rights situation, the unresolved issue of property rights and the lack of visible progress in the return of IDPs.

According to the Secretary-General's report (A/63/950), there are currently almost 300,000 IDPs residing in Georgia, most of them displaced since 1992. Owing to the lack of progress in their return, they need constant international support and attention, including from the United Nations system.

In 2006, Member States decided to include in the agenda of the General Assembly the item "Protracted conflicts in the GUAM area and their implications for international peace, security and development". Under that item, we have been able to discuss many important issues. Most of those issues remain unresolved, and it is understandable that the countries concerned should decide to bring them to the table of the United Nations.

While the draft resolution under consideration today is humanitarian in nature, we cannot deny the fact that there is a complex of unresolved, deep and long-standing political issues that have caused and continue to cause internal displacement in Georgia. For many years, some of those issues were regularly considered by the Security Council, and the Council had mandated a United Nations presence in Georgia. Regrettably, that field activity was recently discontinued. We strongly believe that the United Nations cannot and should not disengage further from trying to find a solution to the situation in Georgia.

My delegation also takes this opportunity to reaffirm its firm support for the security and stability of Georgia, based on full respect for the principles of independence, sovereignty and territorial integrity. Together with other European Union (EU) member States and in line with EU decisions, we also reaffirm our full commitment to the Geneva talks, and hope that they will produce concrete and sustainable results in the nearest future.

Mr. Penke (Latvia): Latvia reaffirms its firm support for the security and stability of Georgia, based on full respect for the principles of independence, sovereignty and territorial integrity, recognized by international law, including the Helsinki Final Act of the Conference on Security and Cooperation in Europe and the relevant Security Council resolutions.

Since the adoption of a similar resolution in May 2008, the situation on the ground has not improved. Quite to the contrary, as a result of the armed conflict in August 2008, even more people have been forced to flee their homes and are still unable to return.

Latvia welcomes the report of the Secretary-General on the status of internally displaced persons and refugees from Abkhazia, Georgia (A/63/950), and fully agrees with the Secretary-General's conclusion that it is essential to recognize the return of refugees and internally displaced persons as both a human right and a humanitarian issue, and as an issue that must be addressed urgently.

We strongly believe that the General Assembly should express itself on this matter, and we thank the delegation of Georgia for its constructive work and flexibility in preparing the text before us today. We believe that this draft resolution reflects, properly and in a balanced manner, the humanitarian nature of the issue. Latvia is firmly committed to fundamental humanitarian principles. Therefore, we will vote in favour of the draft resolution and respectfully request all delegations to do likewise.

Mr. Palouš (Czech Republic): The Czech Republic continues to be strongly committed to fundamental humanitarian principles. It is deeply concerned over the humanitarian and human rights situation of internally displaced persons (IDPs) in Georgia. Recent conflicts in that country have led to the displacement of many people, many of them for many years. Those people have been denied the right to return to their homes and to recover their property, as well as other human rights.

There has been no progress in addressing these issues; to the contrary, the situation has deteriorated. Therefore, we believe that there is also an urgent need to consider this important and complex issue within the framework of the General Assembly, under the agenda item "Protracted conflicts in the GUAM area and their implications for international peace, security and development". For that reason, the Czech Republic will vote in favour of draft resolution A/63/L.79.

The Czech Republic deeply regrets that agreement has not been reached on the future of the monitoring missions in Georgia being carried out by the United Nations and the Organization for Security and Cooperation in Europe, and we believe that the international community should continue its active engagement. The Czech Republic remains committed to the Geneva process, as also underlined by conclusions reached at the meeting of the European Union's General Affairs and External Relations Council held on 27 July 2009.

Finally, let me reaffirm the Czech Republic's strong support for the security and stability of Georgia, based on full respect for the principles of independence, sovereignty and territorial integrity, recognized by international law, including the Helsinki Final Act of the Conference on Security and Cooperation in Europe and the relevant Security Council resolutions.

Mr. Čekuolis (Lithuania): I would like to start by reiterating Lithuania's firm support for the security and stability of Georgia and its sovereignty, independence and territorial integrity.

My delegation will vote in favour of the draft resolution (A/63/L.79). The background of our reasoning in support of the draft resolution arises from Lithuania's strong commitment to fundamental humanitarian principles, and I would like in particular to stress the humanitarian nature of the draft. It is a matter of both justice and urgent necessity that hundreds of thousands of people displaced from Georgia's constituent parts of Abkhazia and South Ossetia should be able to return in safety and dignity to their homes and communities.

We note and welcome the report of the Secretary-General (A/63/950) on the implementation of resolution 62/249 of 15 May 2008, which states that the conditions ultimately required to allow for the organized return of displaced persons have not been met. Our reading is that the General Assembly should continue to keep its attention on this issue and to take action. It is also our belief that adoption of the draft resolution would send a positive signal to the Geneva talks, where, inter alia, issues related to the voluntary safe, dignified and unhindered return of displaced persons are on the table.

The Acting President: We have heard the last speaker in explanation of vote before the voting.

The Assembly will now take a decision on draft resolution A/63/L.79, entitled "Status of internally displaced persons and refugees from Abkhazia, Georgia and Tskhinvali region/South Ossetia, Georgia".

A recorded vote has been requested.

A recorded vote was taken.

In favour:

Albania, Andorra, Australia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Saint Lucia, San Marino, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Vanuatu

Against:

Algeria, Armenia, Belarus, Bolivia (Plurinational State of), Cuba, Democratic People's Republic of Korea, Ecuador, Ethiopia, India, Iran (Islamic Republic of), Lao People's Democratic Republic, Myanmar, Nicaragua, Russian Federation, Sri Lanka, Syrian Arab Republic, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe

Abstaining:

Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Chile, China, Colombia, Congo, Costa Rica, Cyprus, Djibouti, Dominica, Dominican Republic, Egypt, El Salvador, Fiji, Gabon, Ghana, Guatemala, Guyana, Indonesia, Israel, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mauritius, Mexico, Mongolia, Morocco, Namibia, Nepal, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Republic of Korea, Republic of Moldova, Rwanda, Samoa, Saudi Arabia, Senegal, Serbia, Singapore, South Africa, Suriname, Swaziland, Switzerland, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Yemen, Zambia

Draft resolution A/63/L.79 was adopted by 48 votes to 19, with 78 abstentions (resolution 63/307).

[Subsequently, the delegation of Bhutan advised the Secretariat that it had intended to abstain.]

The Acting President: Before giving the floor to speakers in an explanation of vote on the resolution just adopted, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Apakan (Turkey): I am taking the floor to briefly explain our position.

First, I wish to underline that regardless of our position on the issue at hand today, we believe that it is the basic right of any delegation to bring an issue to the attention of the General Assembly and, if deemed necessary, to submit a draft resolution. I would also like to reiterate Turkey's firm and unwavering commitment to the sovereignty, independence and territorial integrity of Georgia within its internationally recognized borders. We remain concerned that the conflicts in the Abkhazia and South Ossetia regions of Georgia are still unresolved and that the situation also has serious economic, social and humanitarian consequences.

Turkey supports all efforts aimed at the peaceful resolution of these conflicts and urges all parties to work towards a comprehensive and sustainable peace that will also provide for the return of internally displaced persons (IDPs) and refugees. We attach importance to the discussions being carried out in Geneva to address the issue of the voluntary, safe, dignified and unhindered return of IDPs and refugees, and hope that they will soon have positive outcomes. In the meantime, we call on all parties to refrain from taking any steps that would aggravate the situation and to take urgent action to build confidence and favourable security conditions.

As a country of the region and a neighbour of Georgia, Turkey stands ready to contribute to the peaceful resolution of these long-standing conflicts. It is our deep conviction that steps in that direction will

enhance the stability and prosperity of the Caucasus region as a whole.

The Acting President: I call on the representative of the Russian Federation on a point of order.

Mr. Churkin (Russian Federation) (*spoke in Russian*): I wish to draw attention to the fact that at least two delegations that were indicated on the board as having voted in favour had in fact abstained in the voting. Therefore, the results declared at the outcome of the voting are not fully valid.

The Acting President: With reference to the observation made by the representative of the Russian Federation, I wish to draw attention to the print-out of the voting results that has now been distributed to all delegations. I am looking at the page right now and the observations made by the delegation of Bhutan are fully reflected there. So I do not think that this impinges in any way on the validity of the voting or on the results as announced. At any rate, any delegation can place its intended vote on record, if it is not that which appeared on the panel.

We shall now hear the remaining speakers in explanation of vote on the resolution just adopted.

Mr. Moraes Cabral (Portugal): Portugal's vote in favour of resolution 63/307 is in line with our strong commitment to fundamental humanitarian principles as expressed, inter alia, in the European consensus on humanitarian aid jointly agreed by the Council of Ministers of the European Union; the representatives of the Governments of the member States meeting within the Council, the European Parliament and European Commission signed on 18 December 2007; and the Council of Europe's recommendation on internally displaced persons adopted by the Council of Ministers on 5 April 2006.

The European Union's General Affairs and External Relations Council met on 27 July 2009, fully committed to the Geneva talks under the continued co-chairmanship of this forum by the European Union, the United Nations and the Organization for Security and Cooperation in Europe. The Council also recalled its conclusions of 13 October 2008 and those of the European Council of September 2008. Portugal, naturally, abides by this commitment.

Ms. Halabi (Syrian Arab Republic) (*spoke in Arabic*): I take the floor to explain our vote on resolution 63/307.

My delegation sympathizes with all humanitarian causes throughout the world. We are concerned by the suffering of refugees and the resulting burdens imposed upon host countries. We should have liked the matter to be resolved bilaterally, but as it concerns a purely humanitarian situation in Georgia, we recognize the merits of its being addressed in the relevant forum, the Human Rights Council, in implementation of the Medvedev-Sarkozy plan.

The issue of refugees can be resolved only through dialogue between the parties concerned based on the principles of international law and international humanitarian law. Since the resolution submitted by Georgia does not refer to that basis, we voted in favour of the no-action motion and against the resolution.

Mrs. Aitimova (Kazakhstan) (*spoke in Russian*): The delegation of Kazakhstan advocated against putting resolution 63/307 to the vote by voting in favour of the no-action motion. Although Kazakhstan had no objection in principle to the consideration of the resolution on the status of temporarily displaced persons and refugees from Abkhazia, Georgia and the region of Tskhinvali, Georgia, we felt that it had been premature to submit the resolution because additional time was needed for consultations between the primary parties — the Georgians and the Russians — who had considerable and fundamental differences on the resolution. In view of the fact that our colleagues are involved in major discussions in Geneva, we acted on the principle that the United Nations and the General Assembly must resort to every possible means to narrow differences as much as possible.

In general, with regard to the resolution adopted today, my delegation asserts that, as a responsible party to international law, the Republic of Kazakhstan fully respects the principle of the territorial integrity of all States Members of the United Nations. Taking into account the fact that recognition is a unilateral, voluntary and legal political act on the part of the recognizing State, which is guided by its own, mainly political interests, Kazakhstan reaffirms its commitment to the aforementioned principles.

Mr. Morejón (Ecuador) (*spoke in Spanish*): I will speak briefly. We note the important comments made today with regard to today's vote. Ecuador voted

against the no-action motion today because we believe that all Member States have the right to present matters to the General Assembly. That principle governs our foreign policy.

Ecuador voted against the resolution submitted by Georgia because we hope the matter will be dealt with in the human rights forum in Geneva in a positive atmosphere and in full respect for the relevant international human rights instruments. As members are aware, Ecuador attaches particular importance to the issue of refugees, as evidenced in our exemplary policy of guaranteeing the exercise of their human rights.

The Acting President: We have heard the last speaker in explanation of vote.

I now call on the representative of Georgia, who wishes to make a statement following the adoption of resolution 63/307.

Mr. Lomaia (Georgia): We have just adopted a resolution that reinforces the hopes of hundreds of thousands of men, women and children — citizens of Georgia of various ethnic origins who were forced to flee their homes and communities. It is with them in mind that I would like to thank the members of the General Assembly.

This timely resolution demonstrates that the international community stands firmly upon the norms and principles of international law. It reaffirms the right of all displaced populations, regardless of their ethnicity, to return to their places of origin in Georgia's region of Abkhazia and the Tskhinvali region of South Ossetia.

I know that the Assembly's support of this resolution did not come easily. In fact, it had little to do with the text itself, and that makes the positive vote even more worthy. Unfortunately, the moral clarity that we felt towards this resolution was confronted with extraneous attempts to politicize our initiative. However, at the end of the day, truth and dignity prevailed.

Despite all the unfair moves used to block this resolution, we stand ready to fully engage with all interested parties, provided that the fundamental principles of international humanitarian law and territorial integrity are respected. We are confident that the adoption of this resolution will re-energize and strengthen consolidated international efforts aimed at achieving its ultimate goals.

I am delighted to see that the General Assembly has lived up to its expectations. I can only hope that, during the sixty-fourth session, we will be able to discuss the progress made in, and take relevant steps to further, the process of the return of internally displaced persons and refugees.

Finally, on behalf of all those who have endured violent treatment because of their ethnic background, we would like once again to express our heartfelt gratitude to each and every State that voted in favour of this resolution. It will never be forgotten by the people of my country.

The Acting President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 13?

It was so decided.

The meeting rose at 12.35 p.m.